

**IN THE DISTRICT COURT OF THE UNITED
STATES FOR THE MIDDLE DISTRICT OF
ALABAMA, EASTERN DIVISION, AT
MONTGOMERY, ALABAMA**

GENE COGGINS
Plaintiff

V:

Civil Action No. 3:07 cv 405 -MHT

STATE OF ALABAMA
ALABAMA DEPARTMENT OF REVENUE
and CHAMBERS COUNTY
Defendants

ANSWER TO ORDER, DATE MAY 15, 2007

COMES NOW, THE PLAINTIFF WITH THIS ANSWER TO ORDER DATED MAY 15, 2007. IN THIS ORDER LAST PAGE, ITEM MARKED 0.2, "THAT PLAINTIFF COGGINS SHALL SHOW CAUSE, IF ANY THERE BE, IN WRITING BY MAY 25, 2007, AS TO WHY THIS LAWSUIT SHOULD NOT BE DISMISSED WITHOUT PREJUDICE TO", 28 U. S. C. s/s1915 (e) (2) (B) (i)-(iii)..

I KNOW THAT SOMETIMES THIS PHRASE TO SHOW CAUSE BECOMES THE MOST USED MEANS OF DENYING A CITIZEN THE RIGHT TO A DUE PROCESS OF LAW. THIS IS VISIBLE IN YOUR ORDER, WHERE YOU DENIED THIS GUARANTEED CONSTITUTIONAL RIGHT, BY NOT HAVING THE SUMMONS DELIVERED WITH THIS COMPLAINT AS GIVEN IN THE FEDERAL RULES OF CIVIL

1. ON THE FIRST PAGE OF MY COMPLAINT SHOWS CAUSE WHY THIS CASE
WAS PLACED IN THIS COURT IN THE BEGINNING, "THIS COMPLAINT IS FILED
AGAINST THE DEFENDANTS, ABOVE THAT IS INVOLVED IN DESTROYING MY
CONSTITUTION RIGHTS AS AN AMERICAN CITIZEN. I KNOW THIS IS HARD TO
UNDERSTAND, BUT THIS DOES INVOLVE GUARANTEED CONSTITUTION RIGHTS,
THAT THE ABOVE HAS DENIED ANY EXISTING FOR ME.

2. THEN I ALSO PROVIDED A LIST OF CASES THAT PROVED THIS OVER AND
OVER AGAIN.

3. AGAIN ON THE FIRST PARAGRAPH OF PAGE NO. 05, " THAT THE
COMPLAINT FAILS TO STATE A CLAIM OVER WHICH THIS COURT HAS
JURISDICTION", AGAIN SOMEONE FAILED TO READ AND UNDERSTAND, PAGE
NO. 05 ON MY COMPLAINT FED. r. 28, U. S. C. A. s/s s/s 1331, s/s 1251, et seq.
JURISDICTION OF THE COURT ARE BASED UPON THREE FACTS;

1. THAT THE DEFENDANT HAS BEEN PROPERLY SERVED WITH ON GOING
PROCESS,
2. THAT THE CONTROVERSY EXCEEDS A CERTAIN SUM,
3. THAT THE PARTIES ARE CITIZENS OF THE UNITED STATES..

Nobel V: Union River Logging Railroad Co. 147 U. S. 165, 13, S. Ct. 271, 37, L. Ed. 123..

ALL OF THE ABOVE QUALIFICATIONS FOR PROPER JURISDICTIONS ARE
MET, ACCORDING TO THE GIVEN LAWS ABOVE., THEREFORE THIS WORN OUT
EXCUSE ABOUT JURISDICTION IS A WASTE OF TIME, AND ANOTHER EXAMPLE OF
NOT ABIDING OR ALLOWING ME MY DUE PROCESS OF LAW. WITH THIS

CONTINUES OF NOT FOLLOWING THE DUE PROCESS OF LAW, LIKE IN THE SERVICE OF THE SUMMONS TO THE DEFENDANTS, USING EXCUSES TO PROTECT THE DEFENDANTS BY NOT WANTING, OR BEING ABLE TO SEE THE CAUSE OF THIS ACTION, BRINGING UP JURISDICTION, WHERE PLAINLY MY GUARANTEED CONSTITUTION RIGHTS HAVE BEEN DENIED, THAT THE FEDERAL DISTRICT COURT IS NOT THE CORRECT PLACE TO CORRECT AN ERROR OF LAW MADE IN THE STATE COURTS, BUT THIS IS THE REQUIRED FIRST STEP IN THIS PROCESS, TRYING TO USE THE ELEVENTH AMENDMENT AS AN EXCUSE THAT THE STATE OF ALABAMA AND THE ALABAMA DEPARTMENT OF REVENUE CANNOT BE SUED, THE ELEVENTH AMENDMENT STATES " THE JUDICIAL POWER OF THE UNITED STATES SHALL NOT BE CONSTRUED TO EXTEND TO ANY SUIT IN LAW OR EQUITY, COMMENCED OR PROSECUTED AGAINST ONE OF THE UNITED STATES BY CITIZENS OF ANOTHER STATE, OR BY CITIZENS ,OR SUBJECTS OF ANY FOREIGN STATE".. I KNOW THIS IS HARD TO UNDERSTAND, THAT A CITIZEN FROM ANOTHER STATE CANNOT SUE THIS STATE, THIS DOES NOT FREE THIS STATE FROM BEING SUED BY LIFE TIME CITIZENS FROM THIS STATE.. IF ANY STATE LAWS STATES DIFFERENT FROM THIS THEN THAT LAW IS ILLEGAL, FOR FEDERAL LAWS HAVE PRESTIGE OVER ANY STATE LAWS...

**A STATE CANNOT EXCLUDE A PERSON FROM THE PRACTICE OF LAW,
OR FROM ANY OTHER OCCUPATION IN A MATTER OF FOR REASONS THAT
CONTRAVENE THE DUE PROCESS OF OR EQUAL PROTECTION CLAUSE OF
THE FOURTEENTH AMENDMENT.. 535, U. S. At 238-239, 77 S. Ct. At 756..**

WITH YOU DENYING MY RIGHT TO USE THE APPENDIX SYSTEM,
THEREFORE WITH THIS ATTITUDE PROBLEM AND SHOWING AN IMPARTIAL
FORM OF JUSTICE AGAINST ME YOUR BEST ORDER WOULD BE TO SEND ME A
FINAL ORDER WHERE THIS CAN BE APPEALED TO A JUST COURT , IF ONE CAN BE
FOUND.. UNDER THE PRESENT ORDER I RECEIVED, THERE APPEARS TO BE A
WASTE OF TIME FOR ME TO MENTION THAT THERE IS A GUARANTEED
CONSTITUTION RIGHT THAT EXIST FOR A CERTAIN CLASS OF PEOPLE, THAT A
SPEEDY TRIAL IS GIVEN IN THE FEDERAL ACT OF 1974, THAT SET OUT AND
ESTABLISHED TIME LIMITS ON ALL EVENTS THAT ARE CARRIED OUT IN THE
JUDICIAL SYSTEM, AS SO PLACED ON THE SHORT TERM CALENDAR SO AS TO
ASSURE A SPEEDY TRIAL.. THE 7th. AMENDMENT OF THE UNITED STATES
CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, EITHER CIVIL OR
CRIMINAL ON ALL ISSUES BETWEEN THE PARTIES, WHETHER THEY BE ISSUES
OF LAW OR FACTS, WITH NO RESTRAINTS OR ILLEGAL COST ADDED ON, BEFORE
A COURT THAT HAS PROPER JURISDICTION.. Fed. R. Civil P. 38 (a), 48 Crim. P. 23,
33, Fed. R. Civil P. 59..

CONCLUSION:

WITH ALL OF THE ILLEGAL ATTEMPT MADE IN NOT CORRECTLY HANDLE
THIS CASE, WHERE GUARANTEED CONSTITUTION RIGHTS ARE DENIED TO A
LIFE TIME CITIZEN OF THE UNITED STATES AND RESIDENT OF THE STATE OF
ALABAMA, THESE GIVEN LAWS ARE NOT TO BE DENIED BY ANY ONE OR COURT,

THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY THAT HAS
BEEN CARRIED OUT IN THIS CASE. Greco V: S. S. Kresge Co. 2777, N. Y. 26, 12, N.
E. 2d, 557, 562,, Hilkert V: Canning 58 Ariz. 290,119, P. 2d, 233, 236..

Gene Coggins

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